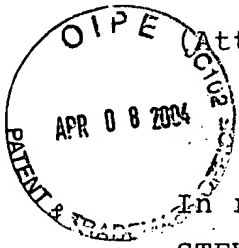


Image

3725



(Attorney File: 00-012)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

STEVEN M. KASSUBA

Appln. No. 09/919,277

Filed: July 31, 2001

For: "CRUSHING - BREAKING
APPARATUS"

) Group Art: 3725
) Examiner: Mark Rosenbaum
)
) STATUS LETTER
)
)

The Commissioer for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant through applicant's attorney of record, prepared a 23-page Response and Amendment responding to the August 19, 2003, Office Action (O/A) and by separate instrument requested a one month extension of time to respond with a check for \$55.00.

All of such items were hand carried to and filed in the United States Patent and Trademark Office (PTO) on December 15, 2003. Prepared receipt cards were date stamped December 15, 2003, by the PTO "Technology Center 3700".

On February 18, 2004, said attorney of record 'phoned the PTO (Tech Center "3700") to seek information regarding drawings for the above-identified application and to the total surprise of said attorney, was informed that the PTO was getting ready to issue a notice of abandonment because the PTO had not received any Response to said O/A of August 19, 2003.

It was explained to Supervisory Examiner Alan Ostrager that such was wrong because a 23-Page Response and Amendment, dated December 11, 2003, and Petition for One Month Extension of Time were all hand carried to and filed in the PTO on December 15, 2003, and that said attorney had the date stamped receipt cards to prove it.

Supervisory Examiner Alan Ostrager then suggested that an additional copy of said 23-Page Response and Amendment be again filed in the PTO.

Accordingly, applicant's said attorney again filed the material lost by the PTO by again having said attorney's associate form, Shoemaker and Mattare, LTD again hand carry to the PTO and file (as was previously done on December 15, 2003):

- A) a true copy of said 23-Page Response and Amendment;
- B) a true copy of the Petition for extension of time to respond to said O/A;
- C) a second true copy of said 23-Page Response and Amendment was supplied as a Courtesy Copy to Examiner but is not now supplying such extra copy;
- D) a second true copy of said Petition was provided but is now not again providing an additional copy thereof, and
- E) two true photocopies of two receipt cards date stamped by the PTO showing all matters recited therein were timely received by the PTO and are not again being submitted.

It is requested that the PTO, in particular "Technology Center 3700" correct its records to show that applicant had timely filed all instruments in this application and that it was by some unknown cause that all of said instruments were lost by the PTO.

Applicant requests acknowledgement by the PTO that said application IS NOT ABANDONED.

Applicant has done all that applicant could have done; i.e., timely responded to the Office Action and again provided duplicate material to assist Examiner in review of the instruments lost by the PTO.

Still applicant has not received any further communication from Examiner Mark Rosenbaum which, measuring from the O/A of August, 19, 2003, is approximately 8½ months. When can applicant receive some word from the Examiner what is applicant to do ?

Is the said application found wanting in some manner ?
Then why does the Examiner not advise applicant what is objected to ?

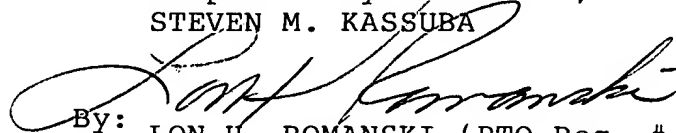
Patent Appln. No. 09/919,277
Steven M. Kassuba
Filed: July 31, 2001

Applicant is at a total loss as to what to do. No communication is received from the Examiner, time is quickly passing, and applicant has no idea of what (if anything) is further required by the PTO.

If nothing further is required why is applicant not advised of that fact by the PTO issuing a Notice of Allowance ?

The following is a true photocopy of Supervisory Examiner's (Allen Ostrager's) date stamped receipt.

Respectfully submitted,
STEVEN M. KASSUBA



By: LON H. ROMANSKI (PTO Reg. # 19,421)

P.O. Box 893
Cadillac, Mich. 49601
ph: 1-231-775-0171

Dated: April 05, 2004

**STAMP OF THE PATENT OFFICE AFFIXED HERETO
WILL BE ACCEPTED AS EVIDENCE OF RECEIPT OF
THE FOLLOWING:**

ENVELOPE CONTAINING LOST DOCUMENTS BY THE
PTO INCLUDING: LETTER TO COMMISSIONER DATED
2/19/2004; COPIES OF DOCUMENTS FILED 12/11/03 AND
DATE STAMPED RECEIPT CARDS; AND AN ENVELOPE
CONTAINING COURTESY COPIES FOR THE EXAMINER

Inventor: Kassuba
Serial No. 09/919277
Filed: July 31, 2001

S&M Docket No. 04-0078

TECHNOLOGY CENTER 3700

FEB 23 2004

RECEIVED

ALLEN OSTRAGER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

L.H. ROMANSKI

FEB 28 2004

RECEIVED